

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): XYBERNAUT CORPORATION

Docket No.

X0104E

Serial No.

09/843,423

Filing Date

4/25/01

Examiner

MING-HUN LIU

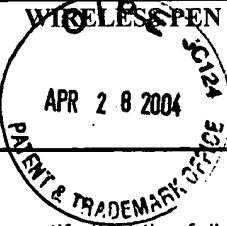
Group Art Unit

2675

Invention:

WIRELESS PEN INPUT DEVICE

APR 28 2004

**RECEIVED**

MAY 04 2004

I hereby certify that the following correspondence:

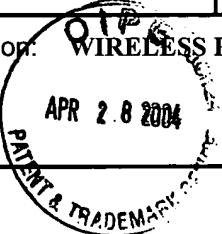
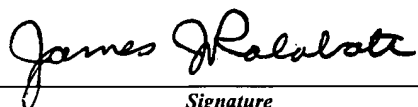
AMENDMENT

Technology Center 2600

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

APRIL 27, 2004*(Date)*JAMES J. RALABATE*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EV 394762470 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

AMENDMENT TRANSMITTAL LETTER (Small Entity)			Docket No. X0104E		
Applicant(s): XYBERNAUT CORPORATION					
Serial No. 09/843,423	Filing Date 4/25/01	Examiner MING-HUN LIU	Group Art Unit 2675		
Invention: WIRELESS PEN INPUT DEVICE			<div style="font-size: 2em; font-weight: bold;">RECEIVED</div> <div style="font-size: 1.2em;">MAY 04 2004</div>		
			<u>TO THE COMMISSIONER FOR PATENTS:</u> Technology Center 2600		
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted. <input type="checkbox"/> A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	-	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	-	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-0080 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 _____ <i>Signature</i>			Dated: APRIL 27, 2004		
JAMES J. RALABATE, REG. NO. 19,211 5792 MAIN STREET WILLIAMSVILLE, NY 14221 (716) 634-2280			I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <div style="text-align: center;"> _____ <i>Signature of Person Mailing Correspondence</i> </div> <div style="text-align: center;"> _____ <i>Typed or Printed Name of Person Mailing Correspondence</i> </div>		
CC:					



04-29.04

2675
4/A
5-7-04
MP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Xybernaut Corporation
Serial Number : 09/843,423
Filing Date : April 25, 2001
For : Wireless Pen Input Device
Examiner/Art Unit : Ming-Hun Liu/2675

Amendment

Under Secretary of Commerce for Intellectual property and Director
Of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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MAY 04 2004
Technology Center 2600

Sir:

This is in response to the Office Action mailed March 30, 2004. Please make the following amendments: